

CARLSMITH BALL LLP

DAVID LEDGER
ELYZE J. MCDONALD
Bank of Hawaii Bldg., Suite 401
134 West Soledad Avenue, P.O. Box BF
Hagåtña, Guam 96932-5027
Tel No. 671.472.6813

Attorneys for Plaintiff
Mariana Express Lines, Ltd.

FILED
DISTRICT COURT OF GUAM

SEP 18 2007

JEANNE G. QUINATA
Clerk of Court

IN THE DISTRICT COURT OF GUAM

MARIANA EXPRESS LINES, LTD.,
Plaintiff,

vs.

FOREMOST FOODS,
Defendant.

CIVIL CASE NO. CV07-00016

SCHEDULING ORDER

Pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure, and Local Rule 16.1 for the District Court of Guam, the parties hereby submit the following Scheduling Order

1. **Nature of the Case.** Plaintiff has brought an action for breach of maritime contract, breach of contract, unjust enrichment and quantum meruit, conversion and punitive damages, and for deceit and/or intentional misrepresentation, arising out of Defendant's alleged failure to pay Plaintiff for ocean freight services

2. **Posture of the Case.**

- (a) The following motions are on file: None.
- (b) The following motions have been resolved: None.

(c) The following discovery has been initiated: None.

3. **Motions to Add Parties and Claims** shall be filed by May 30, 2008.

4. **Motion to Amend Pleadings** shall be filed by May 30, 2008.

5. **Status of Discovery and Discovery Plan.**

(a) The times for disclosures under Rules 26(a) and 26(e) of the Federal Rules of Civil Procedures are as follows:

(i) Initial Disclosures due October 2, 2007.

(ii) Disclosure of Plaintiff's Expert Testimony under Federal Rule of Civil Procedure 26(a)(2) shall be made not later than March 4, 2008.

(iii) Disclosure of Defendant's Expert Testimony under Federal Rule of Civil Procedure 26(a)(2) shall be made not later than April 1, 2008.

(iv) Subsequent designation of rebuttal expert testimony under Federal Rule of Civil Procedure 26(a)(2) shall be made not later than April 22, 2008.

(v) Depositions of experts designated under Federal of Civil Procedure 26(a)(2) ^{on 3} and ~~paragraph 4(b)~~ above, shall be completed no later than the discovery cut-off date.

Depositions of rebuttal experts, if any, are designated under Federal Rule of Civil Procedure 26(a)(2) ^{on 3} and ~~paragraph 3(c)~~ above, shall be completed no later than fourteen days after the discovery cutoff.

(vi) Rule 26(a)(3) disclosures shall be made not later than 30 days before trial.

(b) The following is a description and schedule of all pretrial discovery each party intends to initiate prior to discovery:

Plaintiff intends to conduct depositions and submit requests for production

of documents, interrogatories, and requests for admissions prior to the discovery cut-off date.

Defendant intends to conduct depositions and submit requests for production of documents, interrogatories, and requests for admissions prior to the discovery cut-off date.

6. **Scheduling Conference.** The parties shall appear before the District Court on September 18, 2007, at 10:00 a.m.

7. The Discovery cut-off date is April 25, 2008.

8. The anticipated **DISCOVERY MOTIONS** are: None at this time.

All discovery motions shall be filed on or before May 2, 2008.

9. **Dispositive Motions Cutoff.** Dispositive motions shall be filed on or before May 30, 2008.

10. **Prospects for Settlement.** The parties are currently in settlement discussions, and are optimistic.

11. **Preliminary Pretrial Conference.** The preliminary pretrial conference shall be held on September 2, 2008, at 10:00 a.m.

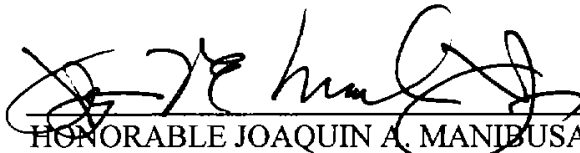
12. **Pretrial Filings.** The parties' pretrial materials, discovery materials, witness lists, exhibit lists, and designation of discovery responses shall be filed on or before September 9, 2008.

13. **Proposed Pretrial Order.** The Proposed Pretrial Order shall be filed on or before September 9, 2008.

14. **Final Pretrial Conference.** The final pretrial conference shall be held on September 16, 2008, at 9:30 a.m.

15. **Trial.** Trial shall commence at 9:00 a.m. on September 23, 2008.

16. **Jury.** This is a trial to the Court. No jury has been demanded.
17. **Anticipated Trial Time.** It is anticipated that it will take approximately **two to three days** to try this case.
18. **Identity of Counsel.** The counsel involved in this case are:
- David Ledger - For Plaintiff
Elyze J. McDonald - For Plaintiff
Carlsmith Ball LLP
Bank of Hawaii Bldg., Suite 401
134 West Soledad Avenue, P.O. Box BF
Hagåtña, Guam 96910
- Thomas C. Sterling - For Defendant
Blair Sterling Johnson Martinez & Leon Guerrero
A Professional Corporation
Pacific News Building, Suite 238
238 Archbishop F.C. Flores Street
Hagåtña, Guam 96910
19. **Settlement Conference.** The parties are currently in settlement discussions, and may request the Court's assistance for a settlement conference at a later date.
20. **Suggestions for Shortening Trial.** The parties will explore stipulations as to undisputed facts.
21. **Issues Affecting Case Management.** At present, none.
- SO ORDERED: this 18th September 2007.


HONORABLE JOAQUIN A. MANIBUSAN
DISTRICT COURT OF GUAM

RECEIVED
AUG 31 2007
DISTRICT COURT OF GUAM
HAGATNA, GUAM

APPROVED AS TO FORM AND CONTENT:

DATED: Hagåtña, Guam: August 30 2007.

CARLSMITH BALL LLP



ELYZE J. MCDONALD

Attorneys for Plaintiff
Mariana Express Lines, Ltd.

DATED: Hagåtña, Guam: August 31 2007.

BLAIR STERLING JOHNSON
MARTINEZ & LEON GUERRERO
A PROFESSIONAL CORPORATION



THOMAS C. STERLING

Attorneys for Defendant
Foremost Foods